

REMARKS

Initially, Applicant's undersigned attorney expresses appreciation to the Examiner for the courtesy and advice extended during a telephone interview on August 31, 2005, regarding the Office Action mailed on June 3, 2005, with respect to the subject application. Pursuant to such interview, it is Applicant's undersigned attorney's understanding that the Examiner is in agreement that independent Claim 1 is patentably distinct over the art of record.

With specific respect to the Office Action mailed on June 3, 2005, and as discussed during the above-referenced interview, Applicant submits that the invention of Claim 1 is distinguishable over the cited art of U.S. Patent Application Publication No. 2002/0026091 by *Leyseiffer*. For example, and as pointed out to the Examiner, Applicant believes that *Leyseiffer* fails to disclose or render obvious a method for obtaining diagnostic information relating to a patient having an implanted transducer that includes the combinative steps of vibrating, sensing, obtaining and utilizing as set forth in Claim 1, including, in particular, the step of vibrating an ossicular bone of a patient using an input provided to the ossicular bone over a biological conduction path that consists of biological components of the patient, wherein the input is not provided by the implanted transducer.

In view of the foregoing, Applicant submits that independent Claim 1 is allowable. Applicant further submits that Claims 2-29 that depend on independent Claim 1 are allowable for the same reasons as noted above, and further since such Claims present additional combinative features not disclosed or rendered obvious by the prior art. For example, with respect to dependent Claim 10, *Leyseiffer* fails to disclose the combinative steps of obtaining an electrical signal output from an implanted transducer generated in response the stipulated sensing step, and

utilizing the electrical signal output to determine diagnostic information relating to the operation of the implanted transducer. In this regard, Applicant also submits that new independent Claim 30 is allowable.

Of further note, in the Office Action mailed on June 3, 2005, the Examiner indicated that Claims 14-16 and 22-29 would be allowable if rewritten in independent form to include all the limitations of the Claims in which they correspondingly depend. In this regard, Applicant notes that it has added new independent Claim 33 that incorporates the content of prior pending Claims 1 and 14; new independent Claim 36 that incorporates the content of prior pending Claims 1 and 22; new independent Claim 37 that incorporates the content of prior pending Claims 1 and 23; new independent Claim 38 that incorporates the content of prior pending Claims 1 and 24; new independent Claim 39 that incorporates the content of prior pending Claims 1 and 25; and new independent Claim 43 that incorporates the content of prior pending Claims 1 and 29.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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